IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3735 OF 2004

IN

SUIT NO.1135 OF 1989

...

Mrs.Li Yung Hseish ...Plaintiff

v/s.

Mr.C.L. Hsiesh & Ors. ...Defendants

...

Mr.Rajesh Singh i/b A.D.Kango for the Plaintiff.

Mr.K.K.Shroff i/b Ms.N.J. Shah for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER,2005

P.C.:

There is no dispute between the parties that the

amount of royalty is being paid by the Defendant regularly. The dispute between the parties is about the payment of maintenance which according to order of Division Bench are to be paid by the Defendant. However, the parties have agreed that following order would meet the ends of justice.

(i) Within a period of one week from today the Plaintiff will serve on the Defendant the calculation indicating the exact amount that is due towards society charges in relation to the suit flat together with copies of the bills received by the Plaintiff showing that that amount is due.

(ii) Within a period of eight weeks from the day on which the documents are received from the Plaintiff, the Defendant will pay the amount to the society subject to the right of the Defendant to challenge the entitlement of the society to receive that amount and to recover that amount from the society. The Defendant shall furnish a copy of the receipt showing that the payment has been made to the society to the Plaintiff.

(iii) So far as the future demands are concerned, as

soon as the Plaintiff receives the bills from the society demanding society charges, the Plaintiff shall serve a copy thereof on the Defendant immediately and within one week of receiving the copy, the Defendant shall make payment of that amount to the society subject as aforesaid to the right of the Defendant to challenge the entitlement of the society to receive the amount and to recover the same from the society. In case, the Defendant commits any default either in paying the amount of arrears or in payment of future maintenance charges as indicated above, the order appointing the Defendant as agent of the Receiver shall stand automatically revoked and the Plaintiff shall stand appointed as agent of the Receiver on the same terms and conditions on which the Defendant is appointed as agent of the Receiver. Notice of Motion disposed of.

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